

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT BROWN,	:	CIVIL ACTION
Plaintiff	:	
v.	:	NO. 05-4938
	:	
JO ANNE BARNHART,	:	
Commissioner of Social Security	:	
Defendant	:	

ORDER

AND NOW, this 22nd Day of May, 2006, upon consideration of the Plaintiff's Motion for Summary Judgment, the Defendant's Motion for Summary Judgment, and after careful review of the Report and Recommendation of United States Magistrate Jacob P. Hart, to which no objections have been made, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Defendant's Motion for Summary Judgment is DENIED.
3. The Plaintiff's Motion for Summary Judgment is GRANTED in part and DENIED in part and the matter REMANDED for (a) the taking of additional evidence from a medical expert as to the existence of spinal radiculopathy between November, 1998 and February, 2001, and (b) for further consideration of Plaintiff's claims of nonexertional symptoms of cardiac arrhythmia, with additional testimony from a vocational expert, if necessary.

BY THE COURT:

/s Paul S. Diamond, J.

Paul S. Diamond, J.